

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CARRIE SCHEUFELE, JEFFREY  
SCHEUFELE and NICHOLAS ORAM,  
Individually and on Behalf of All Others  
Similarly Situated,

Plaintiffs,

vs.

TABLEAU SOFTWARE, INC., CHRISTIAN  
CHABOT, THOMAS WALKER, PATRICK  
HANRAHAN and CHRISTOPHER STOLTE,

Defendants.

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X

: Civil Action No. 1:17-cv-05753-JGK

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: CLASS ACTION

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: STIPULATION AND [PROPOSED] ORDER

: FURTHER MODIFYING THE

: PROTECTIVE ORDER FOR PRIVILEGED

: INFORMATION

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Counsel for Lead Plaintiff Plumbers and Pipefitters National Pension Fund (“Plaintiff”) and counsel for Defendants Tableau Software, Inc. (“Tableau”), Christian Chabot, Thomas Walker, Patrick Hanrahan and Christopher Stolte (“Defendants” and, with Plaintiff, the “Parties”), respectfully submit this Stipulation and [Proposed] Order Further Modifying the Stipulation and [Proposed] Protective Order, which the Court approved and entered on March 21, 2019 (ECF Nos. 90, 92) (the “Protective Order”). This stipulation addresses additional concerns raised by Defendants and certain non-parties regarding the disclosure in discovery of information covered by the attorney-client privilege and/or work-product protection, as defined in Federal Rule of Evidence 502(g).

WHEREAS, Plaintiff has noticed depositions and/or served document requests on Defendants, Defendants’ outside counsel in this action, Cooley LLP (“Cooley”), and Defendants’ e-discovery vendor in this action, TransPerfect Legal Solutions (“TransPerfect”), seeking documents and other information relating to certain discovery issues described in the Parties’ filings and in recent hearings in this action (collectively, the “discovery issues”) (*see* ECF Nos. 150, 151, 152, and 156);

WHEREAS, in order to provide responsive information concerning the discovery issues, Defendants, Cooley, and TransPerfect would need to disclose certain documents and other information covered in whole or in part by the attorney-client privilege and/or work-product protection (collectively, “privileged discovery information”);

NOW THEREFORE, the Parties agree and stipulate to the following, subject to the approval of the Court, that:

1. The following language will be added as Paragraph 10 to “Section I. DEFINITIONS” in the Protective Order:

10. **Privileged Discovery Information.** Documents or other information concerning certain discovery issues described in the Parties' filings in this action (*see* ECF Nos. 150, 151, 152, and 156) disclosed by Defendants, Cooley LLP, or TransPerfect Legal Solutions that are covered in whole or in part by the attorney-client privilege and/or work-product protection, as those terms are defined in Federal Rule of Evidence 502(g).

2. The following language will be added as Paragraph 4 to "Section VI. NO WAIVER" in the Protective Order:

4. Pursuant to Federal Rule of Evidence 502(d), the disclosure of Privileged Discovery Information in this Action through document productions or deposition testimony will not waive the attorney-client privilege or work-product protection over any undisclosed communications or information covered in whole or in part by the attorney-client privilege and/or work-product protection, in this Action or any other federal or state proceeding.

3. The following language will be added as Paragraph 5 to "Section VI. NO WAIVER" in the Protective Order:

5. Pursuant to Federal Rule of Evidence 502(d), the disclosure of Privileged Discovery Information through document productions or deposition testimony in this Action will not waive the attorney-client privilege or work-product protection over such Privileged Discovery Information in any other federal or state proceeding.

IT IS SO STIPULATED.

DATED: November 18, 2020

COOLEY LLP  
CHRISTOPHER B. DURBIN (*pro hac vice*)  
JEFFREY D. LOMBARD (*pro hac vice*)



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*Additional Counsel for Lead Plaintiff*

\* \* \*

**ORDER**

IT IS SO ORDERED.

DATED: \_\_\_\_\_

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THE HONORABLE JOHN G. KOELTL  
UNITED STATES DISTRICT JUDGE